

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19544 of 1998

Between:

I.Krishna Reddy, S/o. Subba Reddy,
R/o. Gandhi Jane Sangam Village, Sangam Mandal,
Nellore District.

..... PETITIONER

AND

- 1 Govt. of Andhra Pradesh, Rep. by its Secretary to Public Works(R & B)
Deparrment, Secreteriat, Hyderabad.
- 2 Superintending Engineer P.W.D. (R & B)
Nellore, Nellore District.
- 3 Exective Engineer P.W.D. (R & B)
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly in the nature or Writ of MANDAMUS declaring that the action of the respondents in suddenly trying the demolish the hut and hatchery of the petitioner lying sothern side road margin of Nellore-Bombay High Road adjacent to S.Y.No.667/A Padamatipalem Village situated in Gandhi Jana Sangam Village, Sangam Mandal in Nellore District is arbitrary, illegal improper, unjust, unfair and unconstitutional and therefore bad in law and consequently directing the respondents/P.W.D. not to interfere with the living of the petitioner in his hust and hatchery until he is whown an alternative location or accomodation in lieu of the present place.

Counsel for the Petitioner: MR.P.PHALGUNA RAO

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following :

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings appearing for the respondents.

By this writ petition, the petitioner seeks to declare the action of the respondents in trying to demolish his hut and hatchery lying on the Southern side of a road margin of the Nellore-Bombay High way adjacent to Sy. No. 667/A, Padamatipalem village situated in Gandhi Jana Sangam village, Sangam Mandal of Nellore District, as arbitrary and illegal and consequently to direct the respondents not to interfere with his hut and hatchery till alternative accommodation is shown.

The petitioner states that Public Works Department has undertaken widening of drainage in Gandhi Jana Sangam village and in that process the respondents without giving any prior notice to him, are attempting to demolish his hut and hatchery, which is illegal and arbitrary. Hence, the writ petition.

Inasmuch as the petitioner is an encroacher of a road margin of the Nellore-Bombay High way, he has no vested right to squat on it and cause inconvenience to the Public Works Department in the widening programme.

Therefore, the writ petition has no merit and the same is accordingly dismissed. No costs.

N.V. RAMANA, J

Date: 17-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Secretary to Public Works(R & B)
Deparment, Govt. of Andhra Pradesh,Secreteriat, Hyderabad.
- 2 Superintending Engineer P.W.D. (R & B)
Nellore, Nellore District.
- 3 Exective Engineer P.W.D. (R & B)
Nellore District.
- 4 Two CCs. to the Government Pleader for Roads and Buildings, High Court
Buildings, A.P., Hyderabad (OUT).
- 5 Two CD copies

